

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

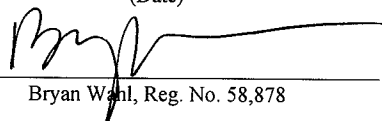
Applicant : Kagan et al.
App. No : 10/698,148
Filed : October 31, 2003
For : APPARATUS AND METHODS FOR
TREATMENT OF MORBID OBESITY
Examiner : Phillip Gray
Art Unit : 3767
Conf # : 2819

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Bryan Wahl, Reg. No. 58,878**RESPONSE TO FINAL OFFICE ACTION AND RCE****Mail Stop RCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed July 21, 2008, Applicants respectfully submit the following paper, along with a Factual Declaration of Christopher Thompson, M.D. as proper under 37 C.F.R. § 1.132, as well as a Request for Continued Examination and a request for a one-month extension of time. Please consider the following remarks and Declaration

Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.